

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KELLY LUCAS

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON ET AL.

CIVIL ACTION

NO. 11-4417

FILED

DEC 12 2011

MICHAEL J. KUNZ, Clerk
By: [Signature] Dep. Clerk

ORDER

AND NOW, this 12th day of December, 2011, upon consideration of

Plaintiff Kelly Lucas's Motion for Discovery, and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion be **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff may take one deposition of Defendants' Appeal Review Consultant, Stephanie Berry, on the subjects of (i) why Berry relied upon a peer review opinion of Plaintiff's disability and ignored two prior independent medical examinations finding Plaintiff disabled and a functional capacity examination that determined that Plaintiff had less than sedentary capacity, (ii) why Berry ignored Plaintiffs' treating doctors' opinions and (iii) why Berry failed to address Plaintiff's unchanged back condition.
2. In all other respects, the Motion is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:


R. BARCLAY SURRICK, J.

*Forwarded to A. Buckner
Email to L. J. Sullivan
A. Wolgemuth
12/12/11*